IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.177 OF 2005

IN

SUIT NO.3891 OF 1995

State Bank of India & Ors. ...Plaintiffs

Versus

Tata Engineering & Locomotive

Company Ltd. & Ors. ...Defendants

And

Mr.Rasiklal Gambhirbhai Shah

& Ors. ...Respondents

.....

Mr.A.B.Salunkhe i/b M/s.S.Ashwinikumar & Co.

for Plaintiffs.

Mr.H.V.Chande for Defendant No.4.

Mr.N.Engineer i/b Mulla & Mulla & Craigie Blunt

& Caroe for Respondent No.27.

.....

CORAM: A.M.KHANWILKAR, J.

OCTOBER 4, 2005.

P.C.

1. Matter is listed under caption ‘direction

(unserved)'. However, on verifying the record, it is seen that all the Respondents have been duly served. Mr.Engineer appears for Respondent No.27.

2. Insofar as prayer clause (a) is concerned, the amendment sought is a formal amendment regarding change of address. The same will have to be granted.

3. Insofar as prayer clause (b) is concerned, that relief is sought on the assertion that subject shares have been transferred in favour of Respondents 1 to 28, for which reason, their presence will be necessary for full, complete and effective adjudication of the claim. I find substance in this submission. In the circumstances, even this relief will have to be granted.

4. Prayer clause (c) is to permit the Plaintiffs to carry out consequential amendments in terms of amendment granted as per prayer clauses (a) and (b). In the circumstances, even this relief will have to be granted.

5. Insofar as prayer clauses (d) and (e) are concerned, the same is for injunction against the concerned parties. That relief will have to be considered in appropriate proceedings to be taken out by the Plaintiffs, if so advised.

6. Accordingly, Chamber Summons is made absolute in terms of prayer clauses (a), (b) and (c). Amendments to be carried out within four weeks from today. No order as to costs.

7. Insofar as prayer clauses (d) and (e) are concerned, the same are disposed of with liberty to the Plaintiffs to take out appropriate proceedings as may be advised, which will be considered on its own merits in accordance with law.

A.M.KHANWILKAR, J.